

UNITED STATES DISTRICT COURT FOR
THE DISTRICT OF MASSACHUSETTS

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GERALDINE FAVALORO, for herself and on
behalf of all others similarly situated,

Plaintiff,

vs.

Case No. 05-11594 RCL
Honorable Reginald C. Lindsay

PRESIDENT AND FELLOWS OF HARVARD
COLLEGE, BAYVIEW CREMATORY, LLC,
a New Hampshire Limited Liability Company,
LINDA STOKES, TRUSTEE OF THE DEKES
REALTY TRUST OF 107 SOUTH BROADWAY,
LAWRENCE, MASSACHUSETTS, and JOHN J.
GENTILE,

Defendants.

**PLAINTIFF, GERALDINE FAVALORO'S MOTION FOR ENLARGEMENT OF TIME
TO RESPOND TO PENDING MOTIONS TO DISMISS**

Plaintiff, Geraldine Favaloro, by and through her undersigned counsel, files this Motion for Enlargement of Time to Respond to all pending Motions to Dismiss filed by the Defendants, President and Fellows of Harvard College and John J. Gentile, and joined in part by the remaining Defendants, until such time as this Court has ruled on Plaintiff's Motion for Remand. In support thereof, Plaintiff states the following:

1. On June 29, 2005, Plaintiff, Geraldine Favaloro commenced this action by filing a Class Representation Complaint in the Superior Court for Essex County, Massachusetts.

2. On July 29, 2005 Harvard removed this case to this Court pursuant to its Notice under 28 U.S.C. §§ 1332, 1441, 1453 and 1446.

3. On August 16, 2005, the Defendants, Harvard and Gentile, filed separate Motions to Dismiss. Responses to the Motions to Dismiss are due to this Court on August 30, 2005. Defendants Linda Stokes and Byaview Crematory, LLC have subsequently joined, in part, in Harvard's Motion.

4. Ms. Favaloro filed her Motion for Remand on August 24, 2005. The issues presented in the Motion for Remand are matters of first impression in this Court and, based upon research to date, may be matters of first impression in the federal court system, especially with respect to the mandatory declination provisions of The Class Action Fairness Act.

5. Ms. Favaloro asserts that further briefing and a determination of the merits of the pending Motions to Dismiss should be postponed until such time as this Court has determined the propriety of the jurisdictional issues presented. There will be no prejudice to any Defendant by the requested enlargement of time.

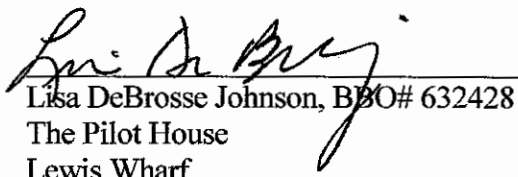
Rule 7.1(a)(2) Certification

Pursuant to Local Rule 7.1 (a)(2), David H. Charlip, undersigned counsel for Ms. Favaloro, certifies that he contacted counsel for Defendants, Harvard and Gentile in a good faith attempt to narrow or resolve the issues raised by this Motion, but was unable to do so.

Respectfully Submitted,

Geraldine Favaloro,
Plaintiff and Putative Class Representative,
by her attorneys,


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CERTIFICATE OF SERVICE

I, Lisa DeBrosse Johnson, hereby certify that on the 29th day of August, 2005, a true and accurate copy of the foregoing document was served on the following counsel of record in this matter by facsimile transmission and United States Mail, Postage prepaid.

Donald R. Frederico, Esq.
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Melissa L. Nott, Esq.
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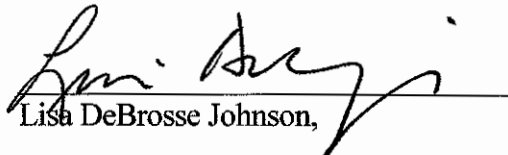
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I also certify that copies were served on the following counsel:

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Lisa DeBrosse Johnson,